
HEALTH OFFICER ORDER FOR THE CONTROL OF COVID-19

Order Requiring Masking and
Vaccination of Healthcare Workers
Date Order Issued: March 23, 2023
Effective Date: April 3, 2023

This Order is in effect until rescinded in writing by the Health Officer.

This Order amends, restates, and supersedes any masking and vaccination orders issued by the Long Beach Health Officer.

A digital copy of this Order may be found at www.longbeach.gov/covid19 or by scanning the QR Code below.



Summary: Starting April 3, the California Department of Public Health (CDPH) is rescinding masking and COVID-19 vaccination requirements for workers in health care and congregate care settings for workers to have a primary series plus one booster. However, federal law for Medicare and Medicaid providers requires vaccinations with the COVID-19 primary series for all applicable staff.

Summer COVID-19 surges during each of the last two years as well as unpredictable emergence of new, potentially more infectious COVID-19 variants suggest that it is premature to remove these protections in healthcare settings.

While the SARS-CoV-2 virus, including other future variants or subvariants, remains a concern for all Long Beach residents, the virus poses a particular risk to the health of medically vulnerable residents and people who might be exposed through necessity based on their circumstances. Patients, clients, and residents in healthcare have little choice about their potential exposure to COVID-19 when they seek care or reside in congregate settings, and many of them are at greater risk for COVID-19-related complications.

COVID-19 vaccination and boosters continue to remain the most important strategy to prevent serious illness and death from COVID-19. COVID-19 vaccines currently authorized in the US have been shown to be highly safe and effective at providing protection against severe disease and are recommended by the CDC for all populations for whom the vaccine is authorized by the US Food and Drug Administration, including booster dose recommendations. Vaccines and boosters designed to prevent serious SARS-CoV-2 infection continue to be the best protection against severe disease and death.

Hospitals, skilled nursing facilities (SNFs), and the other Healthcare Facility types identified in this order are particularly high-risk settings where COVID-19 outbreaks can have severe consequences for vulnerable populations including hospitalization, severe illness, and death. The settings identified in the Order are places with frequent close contact between facility workers and highly vulnerable patients, including elderly, chronically ill, critically ill, medically fragile, and disabled individuals. Outbreaks in healthcare facilities, skilled nursing facilities, and other congregate settings have often been traced to unvaccinated staff members. Vaccination is the most effective way to reduce risk of COVID-19 virus transmission in healthcare facilities and home health care settings.

This Order directs all Healthcare Personnel (HCP), as defined below, are required to wear a surgical mask or a respirator when providing patient care or working in Patient Care Areas. This Order also directs all HCP to have completed a COVID-19 vaccine primary series and received at least one booster dose. HCP who are newly coming into compliance with the State and local healthcare worker vaccine requirements must receive their booster dose within 15 days after becoming eligible. HCP who have completed their primary series who provide proof of subsequent COVID-19 infection may defer this booster administration for up to 90 days after infection. The 90 days are from the onset of the initial COVID-19 symptoms. If they never had symptoms, then the 90 days are from the date of collection of the first positive viral COVID-19 test. HCP may be exempt from the vaccination requirements based on either religious beliefs or a qualifying medical reason.

UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 120175, 120215, 120220, AND 120225 THE CITY OF
LONG BEACH HEALTH OFFICER ORDERS:

I. ALL HEALTHCARE PERSONNEL ARE REQUIRED TO WEAR A MASK WHEN PROVIDING PATIENT CARE OR WORKING IN PATIENT CARE AREAS

- Healthcare Personnel (HCP) are required to wear a surgical mask or a respirator while providing patient care or working in Patient Care Areas in Healthcare Facilities, including clinical areas where patients are seen. HCP are not required to mask in other non-patient care areas, including, but not limited to, staff breakrooms and administrative offices.
- Patients and visitors are not required to wear masks, although masks remain recommended.
- This masking policy will be reassessed before September 2023 to take into account the updated FDA and CDC guidance regarding the timing of the COVID

vaccination series and risks associated with COVID infection.

II. HEALTHCARE PERSONNEL VACCINATION REQUIREMENT

1. This Order requires all HCP, as defined by this Order, to be vaccinated with the primary series and at least one booster dose of an FDA-authorized vaccine. Workers who are newly coming into compliance with the healthcare worker vaccine requirements must receive their required vaccinations within 15 days after becoming eligible.
2. All HCP currently eligible for boosters, who provide services or work in Healthcare Facilities must have received all recommended doses of the primary series of a COVID-19 vaccine and at least one booster dose. For HCP who may have received World Health Organization emergency use listed COVID-19 vaccine, or those who received a mix and match series composed of any combination of FDA-approved, FDA-authorized, or WHO emergency use listed COVID-19 vaccines, reference the CDC Guidance [Choosing Your COVID-19 Booster Dose, If You Were Vaccinated Outside of the United States](#) for the appropriate booster dose and timing.

HCP who are eligible but have not received a booster dose must receive their booster dose within 15 days after becoming eligible.

HCP who provide sufficient proof of COVID-19 infection after completion of their primary series may defer booster administration for up to 90 days from date of first positive test or clinical diagnosis, which in some situations, may extend the booster dose requirement. To provide proof of prior infection, HCP must provide documentation of previous diagnosis from a healthcare provider or confirmed laboratory results. HCP with a deferral due to a proven COVID-19 infection must receive their booster dose no later than 15 days after the expiration date of their deferral.

3. HCP may be exempt from the vaccination and booster requirements under Subsections II.1 and II.2 of this Order only upon providing a signed statement that the HCP (1) has declined the vaccine on religious grounds or (2) is excused from receiving any COVID-19 vaccination due to a Qualifying Medical Reason.

To be exempt from the vaccination requirement due to a Qualifying Medical Reason, the HCP must provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician that the worker qualifies for the exemption (do not include the nature of the underlying medical condition). The statement must indicate the probable date on which the HCP will be able to receive a vaccination or state that the duration of the underlying medical condition is unknown or permanent. See the most recent version of the Centers for Disease Control and Prevention's [Interim Clinical Considerations for Use of COVID-19 Vaccines guidance](#).

4. HCP exempt from the vaccination and booster requirements pursuant to Subsection II.3

of this Order are required to wear a well-fitted surgical mask or a non-vented mask including N95, KN95, or KF94 respirators while inside the Healthcare Facility or other direct care setting at all times even when not engaged in patient care or when in non-patient care areas. When the vaccination requirement exemption expires and the HCP receives their COVID-19 vaccination, masking requirements will revert to those outlined in Subsections II.1 and II.2 of this Order.

5. The operator of the Healthcare Facility shall comply with all applicable privacy laws and regulations in the maintenance of HCP's vaccination or exempt status.
 - a. Upon request, a Healthcare Facility shall promptly provide vaccination or exemption records to the Long Beach Department of Health & Human Services (LBDHHS), or its designee, and in any event no later than the next business day following the request.
 - b. Operators of Healthcare Facilities subject to this Order shall maintain records pursuant to the California Department of Public Health (CDPH) [Vaccine Record Guidelines & Standards](#) with the following information:
 - i. Full name and date of birth
 - ii. Vaccine manufacturer
 - iii. Date(s) of vaccine administration
 - c. For unvaccinated HCP: the operator of the Healthcare Facility must maintain signed declination forms with written healthcare provider's statement where applicable, as required by Subsection II.3.
6. Nothing in this Order limits otherwise applicable federal and State requirements related to personal protective equipment, personnel training, and infection control policies and practices for health care facilities. LBDHHS requires HCP to continue wearing a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator while providing patient care or working in Patient Care Areas.
7. Healthcare Facilities covered by this Order are encouraged to provide onsite vaccinations, easy access to nearby vaccinations, and education and outreach on vaccinations, including:
 - a. Access to epidemiologists, physicians, and other counselors who can answer questions or concerns related to vaccines and vaccinations and provide culturally sensitive advice; and
 - b. Access to online resources providing up-to-date information on COVID-19 science and research.
8. This Long Beach Health Officer Order supersedes all Prior Safer-at-Home Orders and Health Orders for Control of COVID-19 issued by the Long Beach Health Officer to control the spread of the COVID-19 within the City of Long Beach.
9. Protocols established by the City Health Officer to implement health orders issued by the

State Public Health Officer or the City Health Officer have the same force and effect as other health orders issued by the City Health Officer. To the extent any health order of the City Health Officer, including any protocols established to implement any health order, is more restrictive than any order or directive issued by the State Public Health Officer, the more restrictive order or directive shall control.

10. This Order applies to all persons within the City of Long Beach under the Health Officer's jurisdiction.
11. If any subsection, sentence, clause, phrase, or word of this Order any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of this Order.

III. **DEFINITIONS**

For purposes of this Order, the following definitions shall apply:

- a. "City" means City of Long Beach.
- b. "Health Care Facility" or "Healthcare Facilities" include:
 - i. General Acute Care Hospitals
 - ii. Skilled Nursing Facilities (including Subacute Facilities)
 - iii. Intermediate Care Facilities
 - iv. Acute Psychiatric Hospitals
 - v. Adult Day Care Centers
 - vi. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
 - vii. Ambulatory Surgery Centers
 - viii. Chemical Dependency Recovery Hospitals
 - ix. Clinics and Doctors' Offices
(including behavioral health, surgical and school clinics)
 - x. Dialysis Centers
 - xi. Hospice Facilities
 - xii. Pediatric Day Health and Respite Care Facilities
 - xiii. Residential Substance Use Treatment and Mental Health Treatment Facilities
- c. "Health Officer" means the Health Officer of the City of Long Beach.
- d. "Order" refers to this document entitled, "Order Requiring Masking and Vaccination of Healthcare Workers"
- e. "Patient Care Area" means any area or space within a healthcare facility wherein patients are intended to be examined or treated
- f. "Qualifying Medical Reason" To determine qualifying medical reasons, the physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician should refer to [Interim Clinical Considerations for Use of COVID-19 Vaccines](#) from the CDC, specifically, clinical considerations, as well as contraindications and precautions. The identified contraindications include:
 - i. Documented history of severe allergic reaction to one or more components of all the COVID-19 vaccines available in the U.S.
 - ii. Documented history of severe or immediate-type hypersensitivity allergic reaction to

- a COVID-19 vaccine, along with a reason why you cannot be vaccinated with one of the other available formulations. Additionally, the [Interim Clinical Considerations for Use of COVID-19 Vaccines](#) provides information on what are neither contraindications nor precautions to COVID-19 vaccination, which includes:
- iii. Allergic reactions (including severe allergic reactions) not related to vaccines (COVID-19 or other vaccines) or injectable therapies, such as allergic reactions related to food, pet, venom, or environmental allergies, or allergies to oral medications.
- g. “Healthcare Personnel (HCP)” includes workers providing service within the jurisdiction of the Long Beach Health Officer, regardless of where the HCP’s agency is located. “Healthcare Personnel (HCP)” refers to paid and unpaid employees, contractors, students, and volunteers who work in indoor and other settings where (1) care is provided to patients or (2) patients have access for any purpose, leading to direct or indirect contact between the worker and patients or exposure to SARS-CoV-2 airborne aerosols at a Healthcare Facility. This includes HCP serving in health care who have the potential for direct or indirect contact with patients, residents or SARS-CoV-2 aerosols, including (but not limited to):
- i. Physicians and physician assistants
 - ii. Nurses, nurse practitioners and nursing assistants
 - iii. Medical assistants
 - iv. Medical technicians
 - v. Pharmacists
 - vi. Phlebotomists
 - vii. Therapists
 - viii. Students and trainees
 - ix. Contractual staff not employed by the health care facility, and
 - x. Individuals providing hospice care services in a home or in a licensed facility.
 - xi. Any person, whether employee, independent contractor or volunteer, not directly involved in patient care but who could be exposed to or could expose another to infectious agents that can be transmitted in the health care setting, such as management, dietary, environmental services, laundry, security, engineering and facilities management, and administrative and billing personnel.

IV. PURPOSE OF THE ORDER

The purpose of this Order is to help slow the spread of COVID-19, to protect individuals at higher risk, and to protect the health care systems from a surge of cases into its emergency rooms and hospitals. COVID-19 can easily spread between people who are in close contact with one another, especially if they are not fully vaccinated.

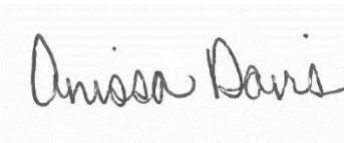
People who are not vaccinated against COVID-19 are at the highest risk of getting infected with COVID-19. Unvaccinated older adults and unvaccinated people who have [certain medical conditions](#) are at the highest risk of severe illness from COVID-19. People with [weakened immune systems](#) who are fully vaccinated might not respond as well to the vaccine so they may also be at risk for getting very sick. Fully vaccinated persons are at lowest risk of getting infected and are well protected from getting very sick and dying from COVID-19. A small percent of fully

vaccinated persons do get infected. Importantly, these post-vaccination infections usually cause only mild symptoms, if any. However, it is still possible for fully vaccinated people to spread the virus to other people.

Masking requirements in healthcare reflect the desire to protect the most vulnerable populations, including people who are elderly, immunocompromised, or have underlying health conditions.

This Order is based upon scientific evidence and best practices, as currently known and available.

IT IS SO ORDERED:

A handwritten signature in black ink that reads "Anissa Davis". The signature is written in a cursive, flowing style.

Anissa Davis, MD, DrPH,
Health Officer, City of Long Beach
Date: March 23, 2023